

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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YASEEN TRAYNOR, *also known as*
YASEEN TRAYLOR, *on behalf of himself*
and all others similarly situated,

Plaintiff,

v.

MOUSER ELECTRONICS, INC.,

Defendant.

No. 19-CV-8950 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On November 18, 2019, Defendant filed a motion to dismiss Plaintiff's Complaint. Plaintiff's response to Defendant's motion was due by December 2, 2019. The Court has not received a response from Plaintiff. No later than December 20, 2019, Plaintiff shall file either a response to Defendant's motion or a letter indicating that he does not intend to file a response. If Plaintiff informs the Court that he intends to pursue this action but chooses not to oppose Defendant's motion, then the Court will deem the motion fully briefed and take it under submission. *See Goldberg v. Danaher*, 599 F.3d 181, 183-84 (2d Cir. 2010) ("Because a motion under Rule 12(b)(6) presents a pure legal question, based on allegations contained within the four corners of the complaint, the district court is equipped to make a determination on the merits."); *McCall v. Pataki*, 232 F.3d 321, 322-23 (2d Cir. 2000) ("[A]lthough a party is of course to be given a reasonable opportunity to respond to an opponent's motion, the sufficiency of a complaint is a matter of law that the court is capable of determining based on its own reading of the pleading and knowledge of the law."). If, however, Plaintiff does not respond to this Order, either by responding to the motion to dismiss or by submitting a letter indicating that he does not intend to

do so, then the Court may dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: December 16, 2019
New York, New York



Ronnie Abrams
United States District Judge